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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Thomas Alvord,

Plaintiff,

v.

Quick Fi Capital Inc.

Defendant.

NOTICE OF REMOVAL

Case No.

Judge:

Quick Fi Capital Inc. (“Quick Fi”), pursuant to 28 U.S.C. §§ 1441 and 1446, hereby removes to this Court the state court action that is currently pending in the Fourth Judicial District Court, Utah County, Utah, under the caption Thomas Alvord v. Quick Fi Capital Inc., Civil No. 190400868 (the “state proceeding”). As set forth more fully below, this Court has

federal question jurisdiction over the above-referenced action under 28 U.S.C. § 1331. In support of removal, Quick Fi states as follows:

I. Background

1. On May 29, 2019, Plaintiff Thomas Alvord (“Plaintiff”) filed a verified complaint in the Fourth Judicial District Court, Utah County, Utah (the “Complaint”). On June 7, 2019, Quick Fi received a copy of the Complaint and Summons. A true and correct copy of the Complaint and Summons are attached hereto as Exhibit A.

2. In the Complaint, Plaintiff alleges Quick Fi violated 47 U.S.C. § 227(b) and 47 U.S.C. § 227(c) of the Telephone Consumer Protection Act (“TCPA”) by using an automated telephone dialing system to contact Plaintiff and calling Plaintiff’s cellular phone which is registered on the national Do Not Call List. (Complaint, ¶¶ 42, 47). Plaintiff seeks statutory damages for each alleged violation and injunctive relief prohibiting such conduct in the future. (Complaint, ¶¶ 43-45, 48-50).

3. Quick Fi has not answered or otherwise responded to the Complaint.

II. Grounds for Removal

4. This case may be removed pursuant to 28 U.S.C. § 1441(a), because this Court has original jurisdiction over claims “arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

5. Plaintiff alleges Quick Fi violated provisions of the TCPA. “Because federal law creates the right of action and provides the rules of decision,” TCPA claims “plainly ‘aris[e] under’ the ‘laws ... of the United States.’” *Mims v. Arrow Financial Servs., LLC*, 565 U.S. 368, 377 (2012) (holding “nothing in the text, structure, purpose, or legislative history of the TCPA

calls for displacement of the federal-question jurisdiction U.S. district courts ordinarily have under 28 U.S.C. § 1331”). Thus, this Court has original jurisdiction over this case.

6. Plaintiff filed the Complaint in the state proceeding on May 29, 2019, and Quick Fi received it on June 7, 2019. Accordingly, this Notice of Removal is timely filed. 28 U.S.C. § 1446(b)(1).

7. Venue is proper here because the Fourth Judicial District Court, Utah County, Utah is located within the Central Division of the District of Utah. 28 U.S.C. § 1441(a); 125(2).

III. Additional Procedural Matters

8. A copy of this Notice of Removal is being served on Plaintiff’s attorney of record in the state proceeding and is being filed contemporaneously with the Clerk of the Fourth Judicial District Court of Utah County, Utah. 28 U.S.C. § 1446(d).

9. As required by 28 U.S.C. § 1446(a), Quick Fi has attached as Exhibit A all process and pleadings served upon Quick Fi in the state proceeding.

10. By filing this Notice of Removal, Quick Fi does not waive, and hereby reserves the right to assert all applicable claims and defenses in responding to Plaintiff’s Complaint.

IV. Conclusion

Quick Fi respectfully requests that this Court enter such further orders and grant such further relief as may be necessary to secure the removal of the state proceeding from the Fourth Judicial District Court of Utah County, Utah to the United States District Court for the District of Utah, Central Division.

DATED this 1st day of July, 2019.

SCALLEY READING BATES
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/s/ Joseph A. Skinner

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ATTORNEYS FOR QUICK FI CAPITAL INC.

CERTIFICATE OF SERVICE

I certify that on this 1st day of July, 2019, I caused a copy of the foregoing Notice of Removal with its accompanying exhibits, to be served by CM/ECF, email, and U.S. Mail upon the following counsel of record for the Plaintiff:

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/s/ *Catrina Nay*

Catrina Nay